

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

B2GOLD CORP., et al.,

Plaintiffs,

v.

PHILIP BRYSON CHRISTOPHER,

Defendant.

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Case No. 1:18-cv-1202

ORDER

For the reasons stated in the accompanying Memorandum Opinion issued this same day,

It is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation (Dkt. 41) is **ADOPTED** as set forth in the accompanying Memorandum Opinion and in this Order.

It is further **ORDERED** that plaintiffs' Motion for Default Judgment (Dkt. 35) is **GRANTED**.

It is further **ORDERED** that default judgment is **ENTERED** in favor of plaintiffs and against defendant Philip Bryson Christopher on Count I of the First Amended Complaint in the total amount of \$75,050, consisting of \$16,050 in compensatory damages and \$59,000 in punitive damages.

It is further **ORDERED** that, because defendant Christopher has engaged in repeated acts of defamation *per se* against plaintiffs, defendant Christopher is permanently restrained and enjoined from publishing the following statements to recipients within the United States by mail, email, or other social media:

1. "Suffice it to say the manner used by B2Gold and her Nicaraguan owned subsidiary, DESMINIC in La Libertad and Santa Domingo, Chontales can be described as criminal in every way. Extortion, Coercion, Usurpation, Threats are words that accurately describe the activities of B2Gold and its operators. Bribery is applied liberally on a massive scale

to include judges, police, government accountants and more. This is a conspiracy that goes from the pueblo and campo to the Secretaria, Asamblea, CSJ and, of course, the Ministry of Energy and Mines (MEM).”

2. “Even B2Gold admits in their own documents that the percentage of revenue paid as TAXES IS ONLY 5%.”
3. “Most of the numbers we will quote going forward in this report are drawn directly from the Chontales NI 43-101.”
4. “Source: B2Gold NI 43-101, dated March 27, 2015.”
5. “B2Gold did not want to let on just how much gold was actually there in Chontales. B2Gold, most likely with the willing help of MEM, appears to have dramatically understated the resource.”
6. “So B2Gold may be understating production by a factor of three or four times.”
7. “For years, the production in La Libertad for B2Gold has been reported in their SEC documents as roughly \$800,000 per day, but our intelligence gathering consistently informs us that they are producing \$1.2 million.”
8. “A final point of discussion concerning the national instrument produced by B2Gold, their firm is not a sophisticated deep resource miner, but are more so just bulldoze managers, ie surface ore extractors. Thus they produced an NI for surface material extraction that only goes to a depth of 400 meters”
9. “B2Gold may be understating production by three fold and ignoring a resource within the exact veins measured in their NI that may be five, six seven times bigger. In other words, the numbers we will now share specifically might be in reality 15 to 20 times larger (3 * 6) than B2Gold is showing in their NI.”
10. “B2Gold, we estimate almost doubles the real costs in their SEC reporting to make the mine appear less profitable then it is actually is.”
11. “If costs have say doubled or a bit more, but efficiencies have been almost 100%, then costs should be almost unchanged, but B2Gold reports all-in costs of \$1100 per ounce. \$700 to 800 would be far more believable. Over-reporting costs allows B2Gold to hide the costs of their bribery and graft from the international finance community and the Securities & Exchange Commissions (SECs) of the US and Canada.”
12. The statement that plaintiff Craig is “a primary co-conspirator” and the following statement: “Mr Craig, Canadian citizen, is either directly involved as senior manager of the conspiracy or is choosing to pretend he does not know. We favor directly involved, although probably rarely or never interacts with top Sandinistas.”

13. "Omar Vega, functional President of DESMINIC SA. Reports to Zarruk and Craig. Distributes bribes and pay-offs, manages thru others coercion and threats."
14. "Carlos Barberena, Chief Operating Officer of DESMINIC. Reports to Vega and Zarruk. Designs and implements policies to repress the [Small Miners Community ("SMC")]."
15. "Denis Quintanilla, Head of Security for DESMINIC and B2Gold. Implements armed invasions and other dirty tricks against SMC. Reports to Barberena."
16. "Raul Novoa, attorney for DESMINIC and B2Gold. Reports to Vega and Barberena. Acts as repression agent to SMC at the legal system level."
17. "Alejandro Bermudez, attorney for DESMINIC and B2Gold. Leads local conspiracy to suborn courts and police. Lead local repression agent, particularly for violating civil rights of SMC. Reports to Omar Vega & Dr Novoa."
18. "Ivan Lara, DESMINIC, reports to Mr Vega. Mr Lara leads coercion efforts in the Chontales region for B2Gold & DESMINIC. Works with local police and when needed riot police to intimidate and even physically attack small miners."
19. "Erasmo Rivas Aruaz, head of workers union for B2Gold/DESMINIC. Key repression agent to SMC. Now heads para-military contingent controlling La Libertad vein. Reports to Porras, Murrillo and Vega."
20. The statement that B2Gold is a "prime conspirator in the El Jackson," as well as the following statement: "B2Gold – breaking US laws to include Foreign Corrupt Practices Act, RICO, Patriot and the Securities and Exchange Act. NYSE & TSE listings should be carefully reviewed for delisting."
21. "Small miners are offered a small sum of money, usually less than 1/100 of one percent of fair global value for In-Ground reserves. They are then told take the payment or the Antimotines will come and throw them off anyway and they will get nothing, except maybe some jail time. Most take the pay off and then realize they can no longer feed their families in a week, two at most. ... We believe hundred[s] of small miners may have a legitimate claim to be restored to the land they 'sold' to B2Gold."
22. "Families have been invited to 'community dinners' and when the men return to their claim there are B2Gold armed guards forbidding entry."
23. "Another trick played on small miners is the land trade offer. B2Gold did this to about 30 small miners late last year. They give them concession rights in a different area of Chontales. The small miners are told that this land is just as rich as the land they are giving up to B2Gold. 28 of the 30 miners scammed in this gambit gave up working the new terrain almost immediately as the quality of the land they received in trade is worthless for gold extraction by artesanal methods."


24. "Nicaragua has suffered a growing conspiracy over the last 10 years to defraud the people and the government of the patrimony of her gold. In Chontales, B2Gold of Vancouver, Canada and her wholly owned Nicaraguan subsidiary, DESMINIC have been the primary international miners involved in the corruption against the Kauffmann family and hundreds of other small miners."

Should defendant wish to appeal this Order, he must do so by filing a notice of appeal with the Clerk of this court within thirty (30) days after entry of this Order, pursuant to Rule 4 Fed. R. App. P. Failure to file a timely notice of appeal waives the right to appeal.

The Clerk is **DIRECTED** to enter judgment pursuant to Rule 58, Fed. R. Civ. P. in favor of plaintiffs and against defendant in accordance with this Order and to place this matter among the ended causes.

The Clerk is further directed to send a copy of this Order to all counsel of record and defendant Philip Bryson Christopher at his last known address.

Alexandria, Virginia
May 28, 2020


T. S. Ellis, III
United States District Judge